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REMARKSI. Introduction

In response to the Office Action dated September 6, 2006, claims 1, 9, 16, 23 and 34 have been amended. Claims 1-38 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for purposes of patentability.

III. The Cited References and the Subject Invention

A. The Hofmann Reference

U.S. Patent 5,883,677, issued March 16, 1999 to Hofmann discloses a method and apparatus for receiving, organizing and presenting program information to a display device in a home from at least two outside sources such as CATV, telephone companies (TELCOs) and direct broadcast satellite (DBS). A distribution network is established within the home using, for example, a consumer electronics bus (CEBus). First, a plurality of signals each from a different outside source and each being associated with information for constructing a program information database for the respective source are received. Next, the separate streams of program information for each outside source are integrated into a single merged database, entries of which can be accessed as a function of user supplied criteria. Additionally, information may be appended to each record of the entries in the separate streams of program information which indicate source and/or cost, and, finally, the information contained in the merged database is presented via the CEBus to a user for viewing and function selection.

B. The Chaney Reference

U.S. Patent 5,867,207, issued February 2, 1999 to Chaney discloses a digital video system that receives a digital bitstream representing video and audio information and contains a plurality of packetized data programs in a data format and includes data units related to the selection of individual programs and individual packetized datastreams associated with a program. The system

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includes a first processor responsive to the bitstream for capturing program guide information and a second processor responsive to the bitstream for capturing selected program data. The program guide data includes a base data unit for selecting a first program and a second data unit of predetermined offset to the base data unit for selecting a second program. The second processor captures program data by capturing data with identifiers matching an identifier determined from the data units.

C. The Norin Reference

U.S. Patent No. 6,434,384, issued August 13, 2002 to Norin et al. discloses a non-uniform multi-beam satellite communications system and method. The satellite broadcast system and method, which is said to be particularly useful for television signals, allows for local as well as nationwide broadcast service by allocating greater satellite resources to the more important local service areas. This is accomplished by broadcasting a non-uniform pattern of local service beams and designing the system to establish different service area priorities through factors such as the individual beam powers, sizes, roll-off characteristics and peak-to-edge power differentials. Frequency reuse is enhanced by permitting a certain degree of cross-beam interference, with lower levels of interference established for the more important service areas.

D. The Stinebruner Reference

U.S. Patent No. 6,133,910, issued October 17, 2000 to Stinebruner discloses an apparatus and method for integrating a plurality of video sources. The video system utilizes a "virtual tuner" that integrates signals from multiple video sources to provide a plurality of "virtual channels", each of which has both a video source and a channel associated with it. When a virtual channel is selected, the correct video source is selected and tuned to the correct channel automatically. The virtual tuner may be embodied in a television or in a separate electronic component coupled thereto, such as a direct broadcast satellite receiver. Alternatively, the video system may be embodied in a universal remote control which is capable of outputting multiple signals to multiple devices in response to a key depression, using either one or two signal transmitters. Channel information may also be downloaded or obtained from a database, for example, to customize an electronic component to receive local broadcast channels.

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E. The Eyer Reference

U.S. Patent No. 6,401,242, issued June 4, 2002 to Eyer et al. discloses a method and apparatus for designating a preferred source to avoid duplicative programming services. Interactive Program Guide (IPG) data for television is delivered to integrated receiver-decoders (IRDs) in a decoder population via, for example, a satellite network. The IPG data provides scheduling information for global and local programming services which are carried via the satellite network as well as another network such as a CATV network or a terrestrial broadcast network. Each IRD is assigned to an IPG region using unit addressing. At the IRD, IPG data is filtered so that only the global data and the region-specific data for the IRD's IPG region is retained and processed by the IRD. Channel map data is also delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. The IRD data which is retained after filtering is used to provide scheduling information via an on-screen display. A preferred source may be designated when there are duplicative channels on the different networks.

F. The Klosterman Reference

U.S. Patent No. 6,072,983, issued June 6, 2000 to Klosterman discloses a merging multi-source information in a television system. The system provides a scheme for margin television schedule information received from multiple sources (26, 28, 30 and 34). In the preferred embodiment, a microprocessor (36) mixes and sorts the schedule information received from multiple source devices (26, 28, 30 or 34). The schedule information is then displayed in a television schedule guide (50). A user can select a program (60 or 62) by pointing to that program in the displayed schedule information (50). The system (10) then carries out an automatic switching/tuning such that the required source device (26, 28, 30 or 34) is input to the destination device (22), and a tuner is then tuned to the selected program's channel (52).

IV. Office Action Prior Art Rejections

In paragraph 4, the Office Action rejected claims 1-3, 6, 7, 9-11, 13, 14 and 34-36 under 35 U.S.C. § 103(a) as unpatentable over Hoffman in view of the Chaney and Norin. Applicants respectfully traverse these rejections.

With Respect to Claim 1: As amended, claim 1 recites:

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In a network broadcasting a first signal having a first set of programs and not a second set of programs to a plurality of subscribers and a second signal having the second set of programs, a method of providing program guide information describing the second set of programs, comprising:

broadcasting first program guide information from the network, the first program guide information describing the first set of programs and not the second set of programs to the subscribers on a first service channel on the first signal; and

broadcasting second program guide information from the network, the second program guide information describing the second set of programs to a subset of the subscribers on the first service channel on the second signal, wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal.

According to the Office Action, Hofmann reference discloses "broadcasting first program guide information describing the first set of programs to the subscribers" and "broadcasting second program guide information describing the second set of programs." However, claim 1 recites that the first program guide information and the second program guide information are transmitted by the same network. Hoffman discloses signals that are broadcast by two different networks.

With respect to program guides, Hoffman teaches that if the received signals are broadcast from different networks, the two different program guides (for each independently transmitted signal) are independently transmitted and combined at the receiver. Chaney teaches that if they are transmitted by the same network, the program guides should be combined into a single MPG that covers all services and that the combined MPG should be transmitted on the same channel of two different signals. Norin adds the notion of the use of spot beams to direct signals to a subset of the subscribers.

Even when combined, the references do not disclose the notion of broadcasting first program guide describing the first set of programs but not the second set of programs broadcast on a second signal, and second program guide information describing a second set of programs broadcast on a second signal to a subset of the subscribers) on the same service channel that is used to broadcast the first program guide.

Norin teaches the fundamental notion of using separate beams to transmit different program material. The question is how the program guide information should be transmitted when separate beams are used.

If the first beam was from a different network than the second beam, the teaching of Hoffman would appear to apply, and Hoffman teaches that the program guide information for the spot beam and the national beam be transmitted independently on different channels and combined by the receiver.

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If the first beam was from the same network than the second beam, the teaching of Chaney would appear to apply, and Chaney teaches that the program guide information for the first and second set of programs should be combined (into Chaney's MPG) and transmitted over the same service channel.¹

The Applicant's invention differs from the teaching of Hoffman and Chaney. Instead of receiving program guide information on separate channels of separate signals (Hoffman), or transmitting a MPG on a single channel having all the program guide information for both the first and second set of programs (Chaney), the Applicant's invention broadcasts first program guide information describing only the first set of programs on the first signal and transmits the program guide information describing the second set of programs on the second signal, but on the same service channel. Accordingly, the Applicants respectfully disagree that combination of references fairly teaches the Applicant's invention, and disagree that there is a teaching to combine the reference together to arrive at the Applicant's invention.

Claim 9 recites analogous features from the receiver's perspective, and is patentable on the same basis.

Claim 16 recites a receiver having features comparable to those of claim 1, and is patentable on the same basis.

Claim 23 recites an apparatus for use with a broadcast network having a first and second transmitter with features comparable to those of claim 1.

Claim 34 recites analogous features to those of claim 1, and is patentable on the same basis.

Claims 2-3, 6, 7, 10, 11, 13, 13, 14, 35 and 36 depend on claims 1, 9, 16, 23, and 34, respectively, and are patentable on the same basis.

In paragraph 5, the Office Action rejected claims 4, 5 and 12 under 35 U.S.C. §103(a) as unpatentable over Hoffman in view of the Chaney, Norin and Stinebruner. Applicants respectfully traverse these rejections for the reasons described above.

In paragraph 6, the Office Action rejected claims 8 and 15 under 35 U.S.C. §103(a) as unpatentable over Hoffman in view of the Chaney, Norin and Eyer. Applicants respectfully traverse these rejections.

¹ Chaney teaches that the same master program guide (MPG) is transmitted on all of the transponders (col. 4, lines 1-3) (hence, the same MPG is transmitted on the first signal and the second signal), and it appears as if the MPG is transmitted on a specific SCID, regardless of which transponder it comes from (col. 4, lines 60-65).

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The Office Action suggests that it is proper to combine Hoffman, Chaney, Norin, and Eyer. The Applicants disagree. Recalling that the Office Action relied on Norin to argue that it was known in the prior art to transmit two separate signals (and one of them a spot beam), it is hardly expected that that second signal or spot beam would be used by the same network to duplicatively transmit the same information (the portion of the first set of programs) to subscribers that are already receiving the program material via the primary beam. In other words, one skilled in the art would be disincentivized from transmitting the same information with both beams. Accordingly, the applicant cannot agree with that one of ordinary skill in the art would be motivated to combine the foregoing reference as described, and the Applicants respectfully traverse.

In paragraph 7, the Office Action rejected claims 16-18, 20, 21 and 37 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney and Norin. Applicants respectfully traverse these rejections.

With Respect to Claim 16: Claim 16 recites:

*A receiver, comprising:
a user interface for accepting subscriber commands;
a tuner selectably configurable to receive a first service channel on a first signal broadcast from a network and the first service channel on a second signal broadcast from the network, the first signal comprising a first set of programs and first program information describing the first set of programs but not a second set of programs, and the second signal comprising [[a]] the second set of programs and second program guide information describing the second set of programs;
wherein a fundamental signal characteristic of the second signal differs from the fundamental signal characteristic of the first signal; and
a processor, communicatively coupled to the user interface and the tuner, for retrieving the first program information and the second program information for providing the first and second program information to a presentation device, and for accepting subscriber commands from the user interface.*

The Office Action acknowledges that Klosterman does not teach transmitting first and second program material on the same service channel, but argues that Chaney does so. Indeed, Chaney does. But Klosterman is directed to a system that receives program material from different and independent networks (CATV, satellite) and combines them at the receiver, whereas Chaney is directed to a system wherein a single network providing all the program information, but on different transponders. Simply put, there would be no reason for one of ordinary skill in the art to modify Klosterman as described in Chaney because they are directed to two different problems. Klosterman envisions a system whereby the programs are received from different networks (and hence, there is some overlap between programs and a need to integrate the program guide information at the receiver) and Chaney is directed to a system wherein the programs are received

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from the same network and wherein the program guide information from all signals is consolidated into a single MPG before transmission.

The Office Action's rationale for combining the references (providing global and local programming while minimizing interference between different programming streams and providing an efficient use of satellite capacity) does not seem to provide motivation for the same reason as described above in reference to claim 1. If providing global and local programming (Norin) within different networks were the goal one of ordinary skill in the art would be motivated to follow Klosterman. If providing global and local programming (Norin) within the same network were the goal, one of ordinary skill in the art would be motivated to follow Chaney (but no longer Klosterman).

Claims 17-18, 20, 21 and 37 are patentable for the same reasons.

In paragraph 8, the Office Action rejected claim 19 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin and Stinebruner. Applicants respectfully traverse these rejections for the same reasons as described above with respect to claim 16..

In paragraph 9, the Office Action rejected claims 22 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin, Stinebruner and Eyer. Applicants respectfully traverse these rejections for the reasons described above with respect to claims 8 and 15.

In paragraph 10, the Office Action rejected claims 23-28, 31, 32 and 38 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney and Norin. Applicants respectfully traverse these rejections.

In paragraph 11, the Office Action rejected claims 29-30 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin and Stinebruner. Applicants respectfully traverse these rejections for the same reasons described with respect to claims 4, 5, 12, and 19.

In paragraph 12, the Office Action rejected claim 33 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of the Chaney, Norin and Eyer. Applicants respectfully traverse these rejections for the same reasons described in claims 8, 15, and 22.

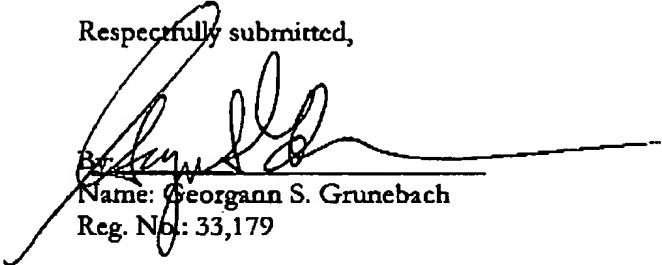
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V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

Date: December 5, 2006


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